



USCA DOCKET # (IF KNOWN)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL:		DISTRICT: Hawaii	JUDGE: Honorable Alan Kay
Christopher Baker, Plaintiff, v. Louis Kealoha, in his official and individual capacity; Honolulu Police Department; City and County of Honolulu; Neil Abercrombie, in his official and individual capacity; and State of Hawaii, Defendants		DISTRICT COURT NUMBER: CV11-00528	
DATE NOTICE OF APPEAL FILED:		IS THIS A CROSS APPEAL?	
May 21, 2012		<input type="checkbox"/> YES	
IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):			
N/A			

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:

This is a challenge to a number of unconstitutional Hawaii statutes that prevent Plaintiff from exercising his rights guaranteed by the Second and Fourteenth Amendments of the United States Constitution. Mr. Baker requested a preliminary injunction to enjoin enforcement of these statutes. Mr. Baker's request was denied in an Order entered on May 1, 2012.

PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:

Hawaii prohibits the bearing and/or transporting of firearms outside the home, even in non-sensitive places. Plaintiff's permit application was denied by the Chief of Police, in his sole discretion and without affording Due Process. According to Defendants, Plaintiff failed to show "sufficient justification" for exercising his Second Amendment rights. Plaintiff is also prohibited from possessing less-than-lethal weapons despite the common and widespread use of those weapons.

PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS):

Nordyke, et. al. v. King, et. al., No. 07-15763
Richards et. al. v. Prieto, et. al. No. 11-16255
Peruta, et. al. v. County of San Diego, et. al., No. 10-56971

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

Possibility of Settlement
 Likelihood that intervening precedent will control outcome of appeal
 Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify)

Any other information relevant to the inclusion of this case in the Mediation Program

Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges

LOWER COURT INFORMATION			
JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT	<input type="checkbox"/> DEFAULT JUDGMENT	<input type="checkbox"/> DAMAGES:
<input type="checkbox"/> DIVERSITY	<input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT	<input type="checkbox"/> DISMISSAL/JURISDICTION	SOUGHT \$ <input type="text"/>
<input type="checkbox"/> OTHER (SPECIFY): <input type="text"/>	<input checked="" type="checkbox"/> APPEALABLE AS OF RIGHT	<input type="checkbox"/> DISMISSAL/MERITS	AWARDED \$ <input type="text"/>
	<input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <input type="text"/>	<input type="checkbox"/> SUMMARY JUDGMENT	<input checked="" type="checkbox"/> INJUNCTIONS:
	<input type="checkbox"/> OTHER (SPECIFY): <input type="text"/>	<input type="checkbox"/> JUDGMENT/COURT DECISION	<input checked="" type="checkbox"/> PRELIMINARY
		<input type="checkbox"/> JUDGMENT/JURY VERDICT	<input type="checkbox"/> PERMANENT
		<input type="checkbox"/> DECLARATORY JUDGMENT	<input type="checkbox"/> GRANTED
		<input type="checkbox"/> JUDGMENT AS A MATTER OF LAW	<input type="checkbox"/> DENIED
		<input checked="" type="checkbox"/> OTHER (SPECIFY): <input type="text"/>	<input type="checkbox"/> ATTORNEY FEES:
		Preliminary Injunction	SOUGHT \$ <input type="text"/>
			AWARDED \$ <input type="text"/>
			<input checked="" type="checkbox"/> PENDING
			<input type="checkbox"/> COSTS: \$ <input type="text"/>

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.



Signature

May 23, 2012

Date

COUNSEL WHO COMPLETED THIS FORM

NAME	Richard L. Holcomb		
FIRM	Holcomb Law, LLLC		
ADDRESS	1136 Union Mall, Suite 808		
CITY	Honolulu	STATE	HI
E-MAIL	rholcomblaw@live.com		
FAX	(808) 356-1954	TELEPHONE	(808) 545-4040

**THIS DOCUMENT SHOULD BE FILED IN DISTRICT COURT WITH THE NOTICE OF APPEAL. **
IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS.